

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

September 23, 2011

Board of Land
and Natural Resources
Honolulu, Hawaii


Request for Approval of Special Activity Permit 2012-3 for
Mr. Steve Prokop, Kalaupapa National Historical Park, National Park Service, to Take
State Regulated Corals Incidental to Kalaupapa Harbor Improvements

The applicant proposes to make repairs to the Kalaupapa Harbor pier and other facilities to continue to supply the needs of the Kalaupapa settlement. The repairs are expected to destroy coral colonies within the project area. The National Park Service is proposing to mitigate the loss of corals with a system of six mooring buoys. The Department of Hawaiian Home Lands has accepted a National Park Service Environmental Assessment (EA) and determined a finding of no significant impact (FONSI). DLNR is not required to make an exemption determination based on this FONSI.

RECOMMENDATION:

Based on the application and record in this matter, the Board DECLARES, FINDS, and DECIDES to authorize and approve, with stated conditions, the proposed special activity permit.

Respectfully submitted,



ROBERT NISHIMOTO
Program Manager

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson

Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Date Issued: December 1, 2011

Valid not longer than November 30, 2012

SPECIAL ACTIVITY PERMIT

The Department of Land and Natural Resources hereby grants permission for certain activities involving aquatic organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The Permittee is

Name: Mr. Steve Prokop

Address: Kalaupapa National Historic Park
Kalaupapa Harbor

Affiliation: National Park Service

Kalaupapa, HI 96742

This permit is issued, subject to the general and special conditions, to take and kill stony coral and live rock from the waters of Kalaupapa Harbor, Molokai of the following species listed in the table below to make necessary harbor facility improvements:

Common Name	Scientific Name	Number Specimen;	Collecting Location Special Conditions II.B.
Live Corals		see Special Conditions II.A.	Kalaupapa, Molokai
Live rocks		“	“

I. GENERAL CONDITIONS:

- A. This permit does not make the Department of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.
- B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.

- C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.
- D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the Department at least thirty days prior to the change. The addition of new assistants will require each individual to sign the Attachment on page 6 stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department.
- F. The permittee may request to:
 - 1. Add assistants to the permit;
 - 2. Add another permittee or replace an existing permittee in the manner stated above; and
 - 3. Change the activities authorized under this permit.
- G. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- H. This permit authorizes take and transport of organisms regulated by Federal law only with prior appropriate Federal authorization.
- I. This permit does not authorize the sale of any collected organism or parts therefrom.
- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the address listed on the upper left corner of page 1 with complete information on all activities authorized under this permit, on the attached Activity Report form.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. The permittee agrees to notify the island office of the Division of Conservation and Resources Enforcement at least 24 hours prior to any authorized activity being conducted in the field. Please provide the permittee name, the permit number, the date, time, and location of the planned activity, and contact information.

- M. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future application for this or any other permit issued by the Department. The permit may not be reissued if the permittee is not in compliance with the terms and conditions of this permit or any other permit issued to the permittee by the department of land and natural resources.
- N. The permittee agrees to make every effort to minimize any adverse impacts from activities authorized under this permit, including number of takes, to keep negative impacts to State resources to a minimum.

II. SPECIAL CONDITIONS

- A. This permit authorizes the take of live rocks and corals when needed to make the necessary facilities improvements at Kalaupapa Harbor. The amounts of live rock and corals authorized are not listed here due to the unknown number of live rocks and corals that may be damaged by the project. Appendix 1 lists the coral species, numbers and sizes observed during surveys at the project site. The actual numbers and sizes of corals to be impacted are not determined at this time.
- B. No coral and live rock takes will be conducted within any other waters of the state, except at the Kalaupapa Harbor, Molokai and its adjacent areas, to the extent necessary for harbor improvements.
- C. No corals or live rocks taken from this project may be sold.
- D. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Department.
- E. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity that is in violation of any other State, Federal or County law, regulation or ordinance.

WILLIAM J. AILA, JR., Chairperson
Department of Land and Natural Resources

cc: (x) DOCARE
(x) DAR - Maui

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit.

PRINCIPAL PERMITTEES: _____
Mr. Steve Prokop

DESIGNATED ASSISTANTS:

Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
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Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____

ACTIVITY REPORT

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Permittee Signatures

Mr. Steve Prokop
Printed name

Signature

Date

*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.

Appendix 1. SAP 2012-3 Prokop; Kalaupapa Harbor, Molokai Improvements
List of Authorized Coral Species, Numbers, and Sizes

The following species were identified in a survey of the entire berthing basin (See Figure 1).

Common Name	Scientific Name	No. & Size of Specimens	Collection Location
Ocellated	<i>Cyphastrea ocellina</i>	3 specimens; 0.2 cm to 4.1 cm	Berthing Basin
Bewick	<i>Leptastrea bewichensis</i>	3 specimens; 72.4 cm to 988.5 cm	Berthing Basin
Rice	<i>Montipora capitata</i>	118 specimens; 0.5 cm to 3314.0 cm	Berthing Basin
Blue Rice	<i>Montipora flabellata</i>	63 specimens; 0.3 cm to 3760.4 cm	Berthing Basin
Sandpaper Rice	<i>Montipora patula</i>	55 specimens; 0.3 cm to 2102.9 cm	Berthing Basin
Cauliflower	<i>Pocillopora meandrina</i>	286 specimens; 0.7 cm to 898.0 cm	Berthing Basin
Antler	<i>Pocillopora eydouxi</i>	7 specimens; 133 cm to 2527.9 cm	Berthing Basin
Brigham's	<i>Porites brighami</i>	400 specimens; 0.2 cm to 3920.7 cm	Berthing Basin
False Lichen	<i>Porites lichen</i>	62 specimens; 0.1 cm to 41.9 cm	Berthing Basin
Lobe	<i>Porites lobata</i>	47 specimens; 0.2 cm to 1469.4 cm	Berthing Basin
	<i>Porites evermanni</i>	2 specimens; 2.4 cm and 7.1 cm	Berthing Basin
	<i>Pavona varians</i>	2 specimens; 301.7 cm and 861.4 cm	Berthing Basin

The following species were identified in a survey of the breakwater boulders.

Common Name	Scientific Name	No. & Size of Specimens	Collection Location
Rice	<i>Montipora capitata</i>	11 specimens; 2.5 cm to 2314.9 cm	Breakwater Boulders
Sandpaper Rice	<i>Montipora patula</i>	22 specimens; 0.9 cm to 1287.8 cm	Breakwater Boulders
Cauliflower	<i>Pocillopora meandrina</i>	94 specimens; 1.8 cm to 792.1 cm	Breakwater Boulders
Antler	<i>Pocillopora eydouxi</i>	6 specimens; 5.5 cm to 689.5 cm	Breakwater Boulders
Brigham's	<i>Porites brighami</i>	103 specimens; 0.3 cm to 570.0 cm	Breakwater Boulders
False Lichen	<i>Porites lichen</i>	3 specimens; 6.4 cm to 23.7 cm	Breakwater Boulders
Lobe	<i>Porites lobata</i>	32 specimens; 1.1 cm to 1989.7 cm	Breakwater Boulders

The following species were identified in a survey within a 2-meter radius of the proposed locations of mooring buoys 1 & 2.

Common Name	Scientific Name	No. & Size of Specimens	Collection Location
Ocellated	<i>Cyphastrea ocellina</i>	1 specimen; 5.9 cm	Mooring Buoy #2
Rice	<i>Montipora capitata</i>	41 specimens; 0.3 cm to 224.6 cm	Mooring Buoys #1 & 2
Sandpaper Rice	<i>Montipora patula</i>	13 specimens; 1.6 cm to 58.9 cm	Mooring Buoys #1 & 2
Cauliflower	<i>Pocillopora meandrina</i>	67 specimens; 1.8 cm to 1036.7 cm	Mooring Buoys #1 & 2
Brigham's	<i>Porites brighami</i>	19 specimens; 1.5 cm to 386.9 cm	Mooring Buoys #1 & 2
Lobe	<i>Porites lobata</i>	261 specimens; 0.3 cm to 1411.3 cm	Mooring Buoys #1 & 2
	<i>Pavona compressa</i>	1 specimen; 64.9 cm	Mooring Buoy #2

The following species were identified in a survey of the dock pilings.

Common Name	Scientific Name	No. & Size of Specimens	Collection Location
Ocellated	<i>Cyphastrea ocellina</i>	1 specimen; 3.3 cm	Dock Pilings
Rice	<i>Montipora capitata</i>	2 specimens; 1.5 cm and 86.5 cm	Dock Pilings
Blue Rice	<i>Montipora flabellata</i>	1 specimen; 751.9 cm	Dock Pilings
Sandpaper Rice	<i>Montipora patula</i>	38 specimens; 0.7 cm to 4656.9 cm	Dock Pilings
Cauliflower	<i>Pocillopora meandrina</i>	13 specimens; 0.9 cm to 864.9 cm	Dock Pilings
Brigham's	<i>Porites brighami</i>	27 specimens; 0.5 cm to 70.6 cm	Dock Pilings
False Lichen	<i>Porites lichen</i>	52 specimens; 0.4 cm to 15.1 cm	Dock Pilings
Lobe	<i>Porites lobata</i>	3 specimens; 222.7 cm to 363.9 cm	Dock Pilings

Other corals species were not identified during the surveys but were observed in the area of the project: *Leptastrea purpurea*, *Leptoseris incrustans*, *Leptoseris mycetoseroides*, *Pavona derdeni*, and *Porites solida*.

Figure 1. Map of Surveys in Kalaupapa Harbor, Molokai

